

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Alex Penland,

Plaintiff,

v.

Case No. 1:13cv553

Commissioner of Social Security,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on August 16, 2013 (Doc. 4).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation (Doc. 4) in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation (Doc. 4) have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 4) of the Magistrate Judge is hereby **ADOPTED**. The Complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) consistent with the Opinion by the Magistrate Judge including that an appeal would not be taken in good faith and that any request for leave to appeal *in forma pauperis* would be denied. Plaintiff remains free to apply to the Court of Appeals an application to proceed *in forma pauperis*.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett
United States District Judge